

STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
 COUNTY OF RICHLAND ) FIFTH JUDICIAL CIRCUIT

T.R. , P.R., K.W. and A.M. on behalf of ) Civil Action No. 2005-CP-40-02925  
 themselves and others similarly situated; )  
 and Protection and Advocacy for People )  
 with Disabilities, Inc., )

Plaintiffs, )

vs. )

State of South Carolina; South Carolina )  
 Department of Corrections; and Jon )  
 Ozmint, as Director of the South )  
 Carolina Department of Corrections, )

Defendants. )

**ORDER AMENDING AUGUST 17,**  
**2010 ORDER SETTING FORTH**  
**PROCEDURES FOR AUGUST 23 –**  
**27, 2010 INSPECTIONS**  
**TO PERMIT SCDC LIMITED**  
**DISCLOSURE OF INFORMATION**

JEANETTE F. THORNTON  
 C.C.P. & G.S. CLERK  
 2010 NOV 15 AM 11:34

The South Carolina Department of Corrections moved for reconsideration of section 5 of the Court's August 17, 2010 Order Setting Forth Procedures For August 23 – 27 inspections. Pursuant to section 5, the Order states that "these notes are protected information, and may not be disseminated in any form beyond counsel and retained experts."

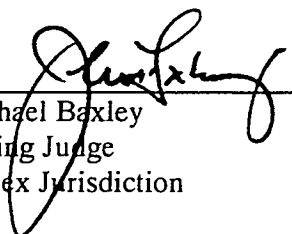
After consideration of the arguments of counsel, the Court hereby amends section 5 of the August 17, 2010 Order in the following manner:

1. Notes taken by Plaintiffs' experts of their interviews contain protected information; however, the Court recognizes the need for counsel for the Department to be able to communicate freely with SCDC staff concerning such records. Therefore, the prohibition in section 5 on the dissemination beyond counsel and retained experts is lifted. The Department's counsel may disclose such records to the Department's employees for purposes of this litigation.

2. The Plaintiffs have expressed concern to the Court about the potential for retaliation by SCDC staff against individual inmates for statements reflected in the experts'

notes. The Court finds that the Department's need to confer with its staff without restriction concerning the substance of the experts' notes outweighs Plaintiffs' unsubstantiated concerns. The Court does not believe that such concerns, however speculative, are necessarily unreasonable. The Court therefore will require the Department to maintain a privilege log identifying each SCDC employee to whom information from Plaintiffs' experts' notes is disclosed. The log shall further contain the dates of each such disclosure and identify the Bates numbers of the experts' notes on which each such disclosure to an individual Department staff person is based.

**IT IS SO ORDERED.**



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J. Michael Baxley  
Presiding Judge  
Complex Jurisdiction

Hartsville, South Carolina

November 4, 2010